

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION**

IN RE: )  
**Kevin R. Boyce** )  
**Jacqueline J. Boyce** )  
SSN(s): xxx-xx-0418, xxx-xx-7327 )  
4195 Redwood Dr. )  
**Beaumont, TX 77703** )

CASE NO:  
Chapter 13

Debtor

**You should read this Plan carefully and discuss it with your attorney. Confirmation of this Plan by the Bankruptcy Court may modify your rights by providing for payment of less than the full amount of your claim, by setting the value of the collateral securing your claim, and/or by setting the interest rate on your claim.**

**CHAPTER 13 PLAN**

Debtor or Debtors (hereinafter called "Debtor") proposes this Chapter 13 Plan:

1. **Submission of Income.** Debtor submits to the supervision and control of the Chapter 13 Trustee ("Trustee") all or such portion of future earnings or other future income of Debtor as is necessary for the execution of this Plan.

2. **Plan Payments and Length of Plan.** Debtor will pay the sum of see below per month to Trustee by ☐ Payroll Deduction(s) or by ☒ Direct Payment(s) for the period of 60 months, unless all allowed claims in every class, other than long-term claims, are paid in full in a shorter period of time. The term of this Plan shall not exceed sixty (60) months. See 11 U.S.C. §§ 1325(b)(1)(B) and 1325(b)(4). Each pre-confirmation plan payment shall be reduced by any pre-confirmation adequate protection payment(s) made pursuant to Plan paragraph 6(A)(i) and § 1326(a)(1)(C).

The following alternative provision will apply if selected:

☒ Variable Plan Payments

Beginning Month	Ending Month	Amount of Monthly Payment	Total
<b>1 (03/02/2011)</b>	<b>7 (09/02/2011)</b>	<b>\$625.00</b>	<b>\$4,375.00</b>
<b>8 (10/02/2011)</b>	<b>60 (02/02/2016)</b>	<b>\$825.00</b>	<b>\$43,725.00</b>
Grand Total:			<b>\$48,100.00</b>

Reason for Variable Plan Payments:

**Rent-to-own will be paid off in month 7.**

3. **Payment of Claims.** The amounts listed for claims in this Plan are based upon Debtor's best estimate and belief.

Allowed claims shall be paid to the holders thereof in accordance with the terms thereof. From the monthly payments described above, the Chapter 13 Trustee shall pay the following allowed claims in the manner and amounts specified. Claims filed by a creditor designated as secured or priority but which are found by the Court to be otherwise shall be treated as set forth in the Trustee's Recommendation Concerning Claims.

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4. **Administrative Claims.** Trustee will pay in full allowed administrative claims and expenses pursuant to § 507(a)(2) as set forth below, unless the holder of such claim or expense has agreed to a different treatment of its claim.

(A). **Trustee's Fees.** Trustee shall receive a fee for each disbursement, the percentage of which is fixed by the United States Trustee.

(B). **Debtor's Attorney's Fees.** The total attorney fee as of the date of filing of the petition is \$3,000.00. The amount of \$150.00 was paid prior to the filing of the case. The balance of \$2,850.00 will be paid ☒ from first funds upon confirmation, or in the alternative ☐ from the remaining balance of funds available after specified monthly payments. The total attorney fees are subject to reduction by notice provided in the Trustee's Recommendation Concerning Claims to an amount consistent with LBR 2016(h) absent a certification from debtors attorney regarding legal services provided pertaining to automatic stay litigation occurring in the case.

5. **Priority Claims.**

(A). **Domestic Support Obligations.**

☒ None. If none, skip to Plan paragraph 5(B).

(i). Debtor is required to pay all post-petition domestic support obligations directly to the holder of the claim.

(ii). The name(s) and address(es) of the holder of any domestic support obligation are as follows. See 11 U.S.C. §§ 101(14A) and 1302(b)(6).

(iii). Anticipated Domestic Support Obligation Arrearage Claims

(a). Unless otherwise specified in this Plan, priority claims under 11 U.S.C. § 507(a)(1) will be paid in full pursuant to 11 U.S.C. § 1322(a)(2). These claims will be paid at the same time as claims secured by personal property, arrearage claims secured by real property, and arrearage claims for assumed leases or executory contracts.

☒ None; or

(a) Creditor (Name and Address)	(b) Estimated arrearage claim	(c) Projected monthly arrearage payment
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(b). Pursuant to §§ 507(a)(1)(B) and 1322(a)(4), the following domestic support obligation claims are assigned to, owed to, or recoverable by a governmental unit.

☒ None; or

Claimant and proposed treatment:

(a) Claimant	(b) Proposed Treatment
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(B). **Other Priority Claims (e.g., tax claims).** These priority claims will be paid in full, but will not be funded until after all secured claims, lease arrearage claims, and domestic support claims are paid in full.

(a) Creditor	(b) Estimated claim
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**6. Secured Claims.**

**(A). Claims Secured by Personal Property Which Debtor Intends to Retain.**

(i). **Pre-confirmation adequate protection payments.** Unless the Court orders otherwise, no later than 30 days after the date of the filing of this plan or the order for relief, whichever is earlier, the Debtor shall make the following adequate protection payments to creditors pursuant to § 1326(a)(1)(C). If the Debtor elects to make such adequate protection payments on allowed claims to the Trustee pending confirmation of the plan, the creditor shall have an administrative lien on such payment(s), subject to objection. If Debtor elects to make such adequate protection payments directly to the creditor, Debtor shall provide evidence of such payment to the Trustee, including the amount and date of the payment, as confirmation is prohibited without said proof.

Debtor shall make the following adequate protection payments:

- ☐ directly to the creditor; or  
☒ to the Trustee pending confirmation of the plan.

(a) Creditor	(b) Collateral	(c) Adequate protection payment amount
American Honda Finance	2002 Acura RL	\$65.00
Smart Financial CU	2007 Chevrolet Avalanche	\$312.00

(ii). **Post confirmation payments.** Post-confirmation payments to creditors holding claims secured by personal property shall be paid as set forth in subparagraphs (a) and (b). If Debtor elects to propose a different method of payment, such provision is set forth in subparagraph (c).

(a). **Claims to Which § 506 Valuation is NOT Applicable.** Claims listed in this subsection consist of debts secured by a purchase money security interest in a vehicle for which the debt was incurred within 910 days of filing the bankruptcy petition, or, if the collateral for the debt is any other thing of value, the debt was incurred within 1 year of filing. See § 1325(a)(5). After confirmation of the plan, the Trustee will pay to the holder of each allowed secured claim the monthly payment in column (f) based upon the amount of the claim in column (d) with interest at the rate stated in column (e). Upon confirmation of the plan, the interest rate shown below or as modified will be binding unless a timely written objection to confirmation is filed and sustained by the Court. Payments distributed by the Trustee are subject to the availability of funds.

☐ None; or

(a) Creditor; and (b) Collateral	(c) Purchase date	(d) Estimated Claim	(e) Interest rate	(f) Monthly payment
Smart Financial CU 2007 Chevrolet Avalanche	04/2010	\$23,955.00	5.00%	\$453.53

(b). **Claims to Which § 506 Valuation is Applicable.** Claims listed in this subsection consist of any claims secured by personal property not described in Plan paragraph 6(A)(ii)(a). After confirmation of the plan, the Trustee will pay to the holder of each allowed secured claim the monthly payment in column (f) based upon the replacement value as stated in column (d) or the amount of the claim, whichever is less, with interest at the rate stated in column (e). The portion of any allowed claim that exceeds the value indicated below will be treated as an unsecured claim. Upon confirmation of the plan, the valuation and interest rate shown below or as modified will be binding unless a timely written objection to confirmation is filed and sustained by the Court. Payments distributed by the Trustee are subject to the availability of funds.

☐ None; or

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(a) Creditor; and (b) Collateral	(c) Purchase date	(d) Replacement value	(e) Interest rate	(f) Monthly payment
<b>American Honda Finance 2002 Acura RL</b>	<b>05/2007</b>	<b>\$13,375.00</b>	<b>5.00%</b>	<b>\$94.15</b>

(B). **Claims Secured by Real Property Which Debtor Intends to Retain.** Debtor will make all post-petition mortgage payments directly to each mortgage creditor as those payments ordinarily come due. These regular monthly mortgage payments, which may be adjusted up or down as provided for under the loan documents, are due beginning the first due date after the case is filed and continuing each month thereafter, unless this Plan provides otherwise. Trustee may pay each allowed arrearage claim at the monthly rate indicated below until paid in full. Trustee will pay interest on the mortgage arrearage if the creditor requests interest, unless an objection to the claim is filed and an order is entered disallowing the requested interest.

(a) Creditor; and (b) Property description	(c) Estimated pre-petition arrearage	(d) Interest rate	(e) Projected monthly arrearage payment
<b>Chase Homestead</b>	<b>\$3,000.00</b>	<b>5.00%</b>	<b>\$56.80</b>
<b>Jefferson County TAC Homestead</b>	<b>\$2,641.60</b>	<b>12.00%</b>	<b>\$59.33</b>

(C). **Surrender of Collateral.** Debtor will surrender the following collateral no later than thirty (30) days from the filing of the petition unless specified otherwise in the Plan. Any involuntary repossession/foreclosure prior to confirmation of this Plan must be obtained by a filed motion and Court order, unless the automatic stay no longer applies under § 362(c). Upon Plan confirmation, the automatic stay will be deemed lifted for the collateral identified below for surrender and the creditor need not file a Motion to Lift Stay in order to repossess, foreclose upon or sell the collateral. Nothing herein is intended to lift any applicable co-Debtor stay, or to abrogate Debtor's state law contract rights.

(a) Creditor	(b) Collateral to be surrendered

(D). **Void Lien:** The secured creditors listed below hold a non-purchase money, non-possessory security interest on Debtor's exempt property. Their lien will be voided pursuant to 11 U.S.C. § 522(f) and their claim treated as unsecured and paid pursuant to paragraph 7 below:

Name of Creditor	Collateral Description	Estimated Claim

7. **Unsecured Claims.** Debtor estimates that the total general unsecured debt not separately classified in Plan paragraph 12 is **\$122,277.40**. After all other classes have been paid, Trustee will pay to the creditors with allowed general unsecured claims a pro rata share of **\$611.54**. Trustee is authorized to increase this dollar amount if necessary, in order to comply with the applicable commitment period stated in paragraph 2 of this Plan.

8. **Executory Contracts and Unexpired Leases.** All executory contracts and unexpired leases are assumed, unless rejected herein. Payments due after the filing of the case will be paid directly by Debtor (c) or through the plan by the Trustee (d), as set forth below.

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Debtor proposes to cure any default by paying the arrearage on the assumed leases or unexpired contracts in the amounts projected in column (e) at the same time that payments are made to secured creditors. All other executory contracts and unexpired leases of personal property are rejected upon conclusion of the confirmation hearing.

☐ None; or

(a) Creditor; and (b) Nature of lease or executory contract	(c) Payment to be paid directly by Debtor	(d) Payment to be paid through plan by Trustee	(e) Projected arrearage monthly payment through plan (for informational purposes)

**Flexi Compras**

**\$214.13**

**Rent-to-own Television (paying for months 1-7 of plan).**

9. **Property of the Estate.** Upon confirmation of this plan, title of the property of the estate shall vest in DEBTOR(S), unless the Court orders otherwise.

10. **Post-petition claims.** The DEBTOR(S) will not incur any post-petition consumer debt except upon written approval of the Court or the Standing Chapter 13 Trustee. Post-petition claims will be allowed only as specified in 11 U.S.C. § 1305.

11. **General Provisions.** Post-Petition earnings during the pendency of this case shall remain property of the estate notwithstanding section 1327. Any remaining funds held by the Trustee after dismissal or conversion of a confirmed plan may be distributed to creditors pursuant to these provisions. Notwithstanding section 1329(a), the Trustee may bring a motion anytime within the applicable commitment period of the Plan to modify debtor's Plan to meet the criteria of section 1325(b). Any funds sent to the debtor(s) in care of the Trustee, during the pendency of this case may be deposited to the debtor's account and disbursed to creditors holding allowed claims pursuant to this Plan, the Confirmation Order, and/or as set forth in the Trustee's Recommendation Concerning Claims.

12. **Other Provisions:**

(A). **Special classes of unsecured claims.**

Name of Unsecured Creditor	Remarks

(B). **Other direct payments to creditors.**

Name of Creditor	Remarks

**Chase**

(C). **Additional provisions.**

**Deadline for Trustee to file TRCC**

Notwithstanding any provision herein to the contrary, the deadline for the Trustee to file the Trustee's Recommendation Concerning Claims, as well as the deadline for filing objections to the Trustee's Recommendation Concerning Claims and objections to claims shall be governed by Local Bankruptcy Rule 3015(g).

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**IRS Returns and Refunds**

All future tax refunds which Debtor(s) receive during the term of the plan, starting with the tax refund, if any, to be received for the tax year 2010, in excess of \$1,200.00, shall be turned over to the Trustee within ten (10) days of receipt of such and shall be added to the plan base. Whether or not a tax refund is due, Debtor(s) shall provide a copy of their tax return to the Trustee within ten (10) days of filing such during the term of the Plan.

**Valuation of Property Not Set at Confirmation**

Notwithstanding any other provision to the contrary of debtor(s)' plan, the value of the collateral as set forth in paragraph 6(A)(ii)(b) of the plan is not determined at confirmation.

Special Note: This plan is intended as an exact copy of the recommended form prepared by the Standing Chapter 13 Trustees for this District, except as to any added paragraphs after paragraph 11 above. The Chapter 13 trustee shall be held harmless for any changes in this plan from the recommended form dated July 1, 2005.

Date: **January 31, 2011**

**/s/ Kevin R. Boyce**

Kevin R. Boyce, Debtor

**/s/ David B. Packard**

David B. Packard, Debtor's Attorney

**/s/ Jacqueline J. Boyce**

Jacqueline J. Boyce, Debtor

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CHAPTER **13**

**Certificate of Service**

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I, the undersigned, hereby certify that on this day a copy of the foregoing document was served on the following parties of interest via electronic means, if available, otherwise first class U.S. mail.

See Attached Mailing Matrix

Date: 1/31/2011

/s/ David B. Packard

**David B. Packard**

Attorney for the Debtor(s)

Label Matrix for local noticing  
0540-1  
Case 11-10059  
Eastern District of Texas  
Beaumont  
Mon Jan 31 09:51:01 CST 2011

Jacqueline J. Boyce  
4195 Redwood Dr.  
Beaumont, TX 77703-1823

Collection  
PO Box 9136  
Needham, MA 02494-9136

Enhanced Recovery Corp.  
8014 Bayberry Rd  
Jacksonville, FL 32256-7412

GE Money Bank  
Attn: Bankruptcy Dept  
PO Box 103104  
Roswell, GA 30076-9104

IRS  
P.O. Box 7346  
Philadelphia  
PA  
19101-7346

Mobil Oil Federal CU  
PO Box 12849  
Beaumont, TX 77726-2849

Nation collection  
2015 Vaughn Rd  
Kennesaw, GA 30144-7801

Packard Packard & LaPray  
1240 Orleans  
Beaumont, TX 77701-3612

RMA Credit Association  
3830 Hwy 365  
Port Arthur, TX 77642-7500

(p)AMERICAN HONDA FINANCE  
P O BOX 168088  
IRVING TX 75016-8088

Kevin R. Boyce  
4195 Redwood Dr.  
Beaumont, TX 77703-1823

Conn's  
PO Box 2358  
Beaumont, TX 77704-2358

First National Collection Bureau, Inc.  
610 Waltham Way  
Sparks, NV 89434-6695

GEMB/Discount Tires  
Po Box 981439  
El Paso, TX 79998-1439

Jefferson County TAC  
P.O. Box 2112  
Beaumont, Texas 77704-2112

NCO Financial /99  
Po Box 15636  
Wilmington, DE 19850-5636

Northstar Location Services, LLC  
4285 Genesee Street  
Cheektowaga, NY 14225-1943

Premiere Credit Of N A  
2002 No Wellesley Blvd 1  
Indianapolis, IN 46219-2417

Smart Financial CU  
P O Box 10719  
Houston, TX 77206

Anderson Financial  
PO Box 3097  
Bloomington, IL 61702-3097

Chase  
N54 W 13600 Woodale Dr  
Menomonee, WI 53051-7026

ECO Financial Inc  
310 N. White St.  
Fort Mill, SC 29715-1657

Flexi Compras  
5885 Eastex Fwy  
Beaumont, TX 77706-6921

Hilco Recovery  
Attn: Bankruptcy  
1120 Lake Cook Road Suite B  
Buffalo Grove, IL 60089-1970

John J. Talton  
110 N. College Ave. Suite 1200  
Tyler, TX 75702-7242

NCO Financial Systems  
507 Prudential Road  
Horsham, PA 19044-2368

David B. Packard  
Packard & LaPray  
1240 Orleans  
Beaumont, TX 77701-3612

Premium Asset Recovery Corp.  
350 Jim Moran Blvd, Suite 210  
Deerfield Beach, FL 33442-1782

U.S. Attorney General  
Department of Justice  
Main Justice Building  
10th & Constitution Ave., NW  
Washington, DC 20530-0001



US Trustee  
Office of the U.S. Trustee  
110 N. College Ave.  
Suite 300  
Tyler, TX 75702-7231

Unifund  
10625 Techwood Circle  
Cincinnati, OH 45242-2846

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

American Honda Finance  
3625 W Royal Ln Ste 200  
Irving, TX 75063

End of Label Matrix	
Mailable recipients	31
Bypassed recipients	0
Total	31